

### **REMARKS/ARGUMENTS**

These remarks are made in response to the final Office Action of July 17, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

### **Claim Rejections – 35 USC § 103**

Claims 1-15 were rejected under 103(a) as being unpatentable over U.S. Published Patent Application 2003/0225600 to Slivka, *et al.* (hereinafter Slivka) in view of Non-Patent Literature, "Travelers Leave for Portugal after 24-Hour Wait for Plane", by M. Ingram, *The Globe and Mail*, June 26, 1986, pg. A21, (hereinafter Ingram), and in further view of U.S. Published Patent Application 2003/0173978 to Boies, *et al.* (hereinafter Boies).

Although Applicants respectfully disagree with the rejections, Applicants have amended Claim 1. Applicants have cancelled Claims 2-15. However, Applicants are not conceding that the remaining claims as originally formulated or the cancelled claims fail to present patentable subject matter. The amendments and cancellations are solely for the purpose of expediting prosecution. Accordingly, neither the amendments nor cancellations should be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

*Aspects of Applicants' Invention*

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a method for re-booking passengers from a cancelled flight.

The method can include determining real time a plurality of alternative flights for said passengers offered by an airline operating said cancelled flight and other airlines based on databases including flight inventory data and reservations data on the canceled airline and other airlines.

The method also can include obtaining real time passenger data for each of the passengers from databases including a customer relationship management (CRM) database, an accounting database, and a loyalty or frequent flyer database. The passenger data can comprise a passenger re-booking cost, a remaining unflown ticket value, and a passenger lifetime value. The passenger re-booking cost can include a cost to the airline which has cancelled the flight to re-book the passenger on one of the alternative flights offered by the other airlines, and any accommodation costs associated with each one of the alternative flights offered by the airline, including hotel and meal charges, of accommodating the passenger until the alternative flight offered by the airline is available. The passenger lifetime value can include at least one of a frequent flyer status of the passenger and a ticket purchase history of the passenger.

The method further can include weighting each element of the passenger data using a predetermined set of weights determined based upon expressed preferences of the airline; for each of the passengers, determining a value score based upon the weighted passenger data elements; comparing the weighted scores for the passengers with one or more rules, wherein the rules include at least one of a descending revenue impact on the airline, a lifetime value of the passenger, and a most favorable value score; and offering

at least a portion of the alternative flights to the passengers based upon the comparing step.

See, e.g., Specification, paragraphs [0013] to [0026]; see also Figs. 1-2.

**The Claims Define Over The Prior Art**

It was stated in the Office Action that Slivka does not teach accommodation costs associated with each one of the alternative flights offered by the airline, including hotel and meal charges, of accommodating the passenger until the alternative flight offered by the airline is available; weighting each element of the passenger data using a predetermined set of weights; and determining a weighted score based upon weighted passenger data elements. However, it was asserted that Ingram and Boies disclose these features.

Ingram discloses that passengers were accommodated in hotels and paid for meals and will be transferred to alternative flights. However, it is noted that in Ingram the airline was forced to provide accommodations and meals due to an emergency, not as part of a normal rescheduling scheme that takes into consideration of passenger re-booking costs and other factors.

Boies discloses a method for generating an itinerary in which user values assigned to a set of factors relating to travel from a first location to a second location are identified and these user values are compared to travel data for a route of travel from the first location to the second location to form a score. Clearly, Boies does not concern re-booking passengers from a cancelled flight, but rather concerns generating an itinerary for a customer who has not started the travel. Although Boies mentions the use of preference weights, it is noted that the preference weights are used in the context of finding travel itinerary, not in re-booking for a cancelled flight. It is also noted that in Boies the preference weights are determined based on the user preference inquiry (for the

benefit of the user), not based on the preference of the airline (for the benefit of the airline of the canceled flight).

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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